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Hirschhorn

355

September 24th, correct?

A. Correct.

Q. The reason you gave during the meeting for terminating Miss Schmidt's employment was that she hadn't met the 40 number in terms of providing services to 40 youths, providing intensive case-management services to 40 youths, correct?

A. Not just not reaching that goal but being so far short of that goal.

Q. And did you specifically go into what you mean by being so far short of meeting that goal?

A. I don't remember that.

Q. Did you ever tell Miss Schmidt during the meeting that you would give her a negative reference if she didn't quit?

A. Absolutely not. And I am outraged that she would say I said that because I did not say that and I would never say that and that's not the truth. It was not said.

Q. Who prepared the letter of termination?

A. Anthony Zenkus.

Q. And Anthony Zenkus gave Miss Schmidt the letter of termination, correct?

A. Yes.

Hirschhorn

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MS. WONG: Can we have this marked as Hirschhorn Exhibit 66 and handed to the witness.

(Hirschhorn Exhibit 66, document Bates stamped 176 through 177, marked for identification, as of this date.)

MS. WONG: For the record, what has been marked as Hirschhorn Exhibit number 66 is a two-page document Bates labeled 176 to 177.

Q. Can you identify this document as your interoffice memorandum to Maria Georgiou dated September 26, 2003?

A. Yes.

Q. And you provided this interoffice memorandum to Miss Georgiou the day after you fired Miss Schmidt, correct?

A. Correct.

Q. Why did you provide this interoffice memorandum to Miss Georgiou?

A. It seemed like the appropriate, professional thing to do.

Q. Did Miss Georgiou ask for this memo?

A. No.

Q. What was your purpose in putting together

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Hirschhorn

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this interoffice memorandum?

A. Again, it seemed the appropriate, professional thing to do.

Q. Why did it seem the appropriate, professional thing to do?

A. Because Miss Georgiou is the director of the agency. I report directly to her. This was a significant event in the agency. I knew that she would want to discuss it with me when I had my supervision with her, so I gave it to her in advance of that supervision.

Q. Was this interoffice memorandum to memorialize all that had transpired during your meeting with Miss Schmidt about her termination?

A. I don't know that it was to memorialize it. As I said, it was to professionally report it to my supervisor.

Q. And this interoffice memorandum concerns the reason for terminating Miss Schmidt's employment, correct?

A. Correct.

Q. And this memorandum reports all that you felt was important for Miss Georgiou to know concerning Miss Schmidt's termination, correct?

Hirschhorn

358

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2 A. At the time I prepared it, it seemed to be
3 as complete a report as I felt she would need prior
4 to my supervision.

5 Q. You can set this document aside.
6 Actually, let me just refer you back to this
7 exhibit. Is there any notation anywhere in the memo
8 about what specific directions Miss Schmidt failed
9 to comply with in order to increase her case
10 numbers?

11 A. I don't see a reference to specific
12 directions that she did not follow.

13 Q. I want to direct your attention to the
14 second paragraph of this interoffice memorandum.
15 You noted that just prior to Miss Schmidt's
16 September 17th performance appraisal, you performed
17 a spot check of nine of her case files, correct?

18 A. That is correct.

19 Q. And from your spot check, you ascertained
20 that four had only been seen one time?

21 A. Four of the nine that were spot checked.

22 Q. And the other five had been seen more than
23 once then?

24 A. That would appear to be true.

25 Q. And you are saying the four in your memo

Hirschhorn

369

on the second page of this exhibit, number 69, does the response state all the facts that support the basis for terminating Miss Schmidt's employment?

A. I believe so.

Q. Directing your attention to Interrogatory Number 6, did you review case files in response to this question?

A. I reviewed case files for 2003. I relied on the reports that had been filed previously for the other years' numbers.

Q. Why didn't you review the case files for the other years?

A. Because the reports were already official documents.

Q. And did you believe that you could rely on those reports that are official documents?

A. We had put them on record, and that was the reported number.

Q. Okay. So in terms of the 44 clients that were served in 2000, what services were provided to them by Miss Schmidt?

A. I don't have the report in front of me. I cannot tell you that.

Q. What report are you relying on to get that

Hirschhorn

370

number 44?

A. The number 44, then that next number 44, the 27 and the 28 would all be from the OCFS Annual Reports.

Q. So whatever services are stated in the Annual Reports for those years, 2000 through 2002, would be the services that the number of clients listed here received?

A. That's the report that exists for those years, so that's the numbers that are reflected in this document. Those are the official numbers for the project for those years because they're the ones that had gone on file to OCFS.

Q. And my question to you is, what services speak specifically to 2000 for the time that the 44 clients received?

A. I can't answer without the case files.

Q. And you didn't review the case files in responding to this interrogatory, correct?

A. As I said before, I did not. I relied on the fact that we had filed official reports and the reports that were official of the numbers that were contained in them contained likewise in this document.

1 Hirschhorn 382

2 report, you had already reviewed case files to
3 ascertain that indeed 28 individuals had received
4 intensive case-management services; is that correct?

5 A. No. As I have said before, they had
6 received some form of counseling individually.

7 Q. You testified that in 2003 you started
8 reviewing case files to determine which ones
9 received intensive case-management services, right?

10 A. I did a spot check in 2003.

11 Q. So when you compiled a report in 2004 for
12 2003 and you had to note the number of clients who
13 received intensive case-management services, did you
14 then verify from the case files that 28 individuals
15 received intensive case-management services?

16 A. We verified that 28 had case files opened
17 and received some individual counseling.

18 Q. Let me direct your attention to Hirschhorn
19 Exhibit Number 5. Just to be clear, in 2003 you had
20 discovered that not every client that has been
21 logged in the logbook received intensive
22 case-management services; is that correct?

23 A. I believe so.

24 Q. And you know that the Program Annual
25 Report requires you to note the number of

1 Hirschhorn 383

2 individuals who received intensive case-management
3 services, right?

4 A. Right.

5 Q. Okay. So in 2004 when the report was put
6 together for what services had been provided in
7 2003, there should have been a determination as to
8 the actual number of youth provided intensive case-
9 management services, right?

10 A. That would have made it a more accurate
11 report, yes.

12 Q. And now directing your attention to the
13 second page of Hirschhorn Exhibit Number 5, which is
14 Bates labeled 1193, the first sentence reads,
15 "Independent Living Skills counseling and intensive
16 case-management were provided to 28 youth in 2003,"
17 correct?

18 A. Right, and it should have said 40.

19 Q. What should have, where?

20 A. Independent Living Skills counseling, and
21 it should have said, or intensive case management
22 was provided, it should have said that.

23 Q. Why should it say when you have to provide
24 intensive case-management services to at least 40
25 clients?

Hirschhorn

384

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2 A. Because that objective was not met, but
3 counseling or intensive case management was provided
4 to 28 youth.

5 Q. And how many youths received intensive
6 case-management services?

7 A. I don't have that information in front of
8 me.

9 Q. And this report doesn't say that, does it?

10 A. It does not state that.

11 Q. And you know that the funding requires
12 intensive case-management services, not other
13 counseling, but intensive case management --

14 A. I have no --

15 Q. Let me finish my question.

16 -- only to at least 40 youths, right?

17 A. Yes.

18 Q. So that information which is the whole
19 objective, one of the principles --

20 A. Right.

21 Q. Would it be fair to say that one of the
22 main objectives and requirements for the OCFS
23 funding is to provide intensive case-management
24 services to at least 40 youths?

25 A. Yes.

1 Hirschhorn 385

2 Q. So that critical piece of information at
3 least had been accurately reflected in this report,
4 correct?

5 A. Yes, and it should say "or" instead of
6 "and" there.

7 Q. Okay. And --

8 A. Or, and/or.

9 Q. Anywhere in this report do you see that
10 that very important piece of information that should
11 have been included which is the exact number of
12 youth who received intensive case-management
13 services?

14 A. I don't see that number, but I do see the
15 next paragraph here from the bottom, the Independent
16 Living Skills Program did not meet its program
17 objectives for the second year in a row.

18 Q. Okay. And the Independent Living Skills
19 Counseling position was not lost on account of this
20 goal not having been met, right?

21 A. The OCFS grant was not lost. However, we
22 did lose the federal grant which was a third of
23 payment for the Stils position.

24 Q. But in terms of the OCFS funding, which is
25 the only grant that requires 40 youths to be

1 Hirschhorn 386
2 provided intensive case-management services, that
3 grant was not lost?

4 A. That grant was not lost.

5 Q. Do you know whether the seven clients that
6 were served by Miss Schmidt's replacement received
7 intensive case-management services?

8 A. Without looking at it, I cannot tell you
9 for sure.

10 Q. Did you have any conversations with Mr.
11 Zenkus about this report?

12 A. When you speak of conversations, I'm not
13 sure what you mean.

14 Q. Did you talk to Mr. Zenkus at all about
15 this Annual Report?

16 A. Certainly.

17 Q. Did you tell him that he needed to note
18 the number of youths who received intensive
19 case-management services?

20 A. I told him that he needed to report as
21 accurately as he could about the program and that he
22 also needed to keep in mind that we needed to be
23 mindful of the fact that we were very deficient and
24 that he needed to be as accurate as he could but
25 also to be mindful that we don't want to stress so

Hirschhorn

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much how badly we have been doing but how we intend to do better.

Q. Did you ever tell him that he should identify the number of youths who received intensive case-management services in 2003?

A. I don't know that I ever told him to separate those from the counseling.

Q. Did you ever tell him that he could include it all together?

A. I don't believe so. And I don't believe that that was his intention to do that. I think it was a typo, same as "Sanctugary" is another typo.

Q. I understand, but I also have noted that one of the primary requirements of the OCFS grant is to provide intensive case-management services to 40 people, and that information itself should have been provided, right?

A. Yes.

Q. And it hasn't been provided anywhere in this report, right?

A. It is not certain that it is provided nowhere in the first, but it's mixed with counseling in the after.

Q. Tell me where you find the information

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Hirschhorn

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specifically about the number of youths that
received intensive case-management services.

A. I don't find that.

Q. You can set it aside. Miss Schmidt's
replacement is Elizabeth Brown, correct?

A. That was the person that came in December,
yes.

Q. Was it Mr. Zenkus's recommendation that
Miss Brown be hired?

A. Yes. The Project Director always is the
person who makes the first recommendation of who
would be hired.

Q. Did you interview Miss Brown for the
position?

A. I believe I did participate in the second
interview that he did with her, I'm not 100 percent
sure, but I believe so.

Q. Was it Mr. Zenkus who extended the offer
to Miss Brown ultimately?

A. Yes.

Q. Miss Brown, when she was hired, she was in
her 20s; is that fair to say?

A. I don't know. I know her to be a recent
college graduate, I don't know if she had

1 Hirschhorn 394

2 A. Correct.

3 MS. WONG: I have already, I believe,
4 called for the production of it, but I will
5 reiterate my request for such production of the
6 applications for the OCFS funding for the
7 Sanctuary Family Social Worker position for the
8 relevant time period.

9 Q. In 2003 the Family Social Worker failed to
10 meet the program objective for the OCFS funding; is
11 that correct?

12 A. That is correct.

13 Q. How did you arrive at the number 61 as the
14 number of clients served by the Runaway Social
15 Worker in 2001?

16 A. That was through a count of the statistics
17 that had been kept by the Runaway Social Worker in
18 the logbook, and also by the reports that had been
19 filed to Office of Children -- no, Association for
20 Families and Youth, I think, anyway, the federal
21 agency that provides the money.

22 Q. The Basic Center grant?

23 A. The Basic Center grant, right. And it
24 would have been, it's a cooperative number, the 44
25 the 29 and the 61 would be the total number of youth

Hirschhorn

438

A. They did talk to me a little bit about that. And what I remember is that I said yes, I did suggest to him that he speak to Janie first. I didn't say give a memo and then speak to her and give a memo to them and then speak to them and how to divide up and name names differently as to what his direction from me was, memo every worker, so it's specific and they know what their talking about, schedule a time to talk with each worker, but start with Janie because she's been here the longest, the others have been in their positions a shorter period of time and then move on to them.

And I explained that to them, although I thought it had been explained to them earlier, I did go over that with them as they still at this time seemed to be, they were very concerned and very upset seeming with him.

Q. When you said you thought it had been explained earlier to them about the memo situation, who did you think had earlier explained it to them?

A. Anthony.

Q. And why did you think Anthony Zenkus had explained it to them?

A. Because I believe he and I discussed that

1 Hirschhorn 449

2 the book? Let's see if we can find 55.

3 EXAMINATION BY MR. STOLZER:

4 Q. You testified about that document when
5 Miss Wong was asking you questions the last time; do
6 you have any additional testimony after
7 reconsidering?

8 A. Yes. I did go back and review because it
9 was troubling to me that there was a number 45 and
10 there was a number 31 and 13, which could in no way
11 add up to be 45. So I did go back for the year 2004
12 and go through every Stils case file that had been
13 opened.

14 And once again, we had typos that were
15 included, unfortunately, in a report that went in.
16 The correct number should have been 35 youth in the
17 first instance where it had 31, and where it says an
18 additional 13 youth, it should have said an
19 additional 10 youth. And that was verified by
20 reviewing every case record that was included in the
21 count of 45.

22 Q. Anything else you want to add?

23 A. No.

24 MR. STOLZER: Okay, thank you.

25 MS. WONG: Just a quick follow-up to that.

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Hirschhorn

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FURTHER EXAMINATION BY MR. WONG:

Q. So are you saying that 35 individuals received intensive case-management services in 2004?

A. Yes.

Q. Is that 35 receiving intensive case management or counseling or just intensive case management?

A. Actually received intensive case management. When I went back through and counted, they did receive, 35 did receive intensive case management.

Q. And when you say when you went back and counted, you reviewed all the case files?

A. I pulled out every case file and went through and I looked through the closing summaries and also the case notes.

Q. And the 10 youths received what kind of services?

A. Brief services.

Q. But the 35 who received intensive case-management services still is short of the 40 that are required to receive intensive case-management services?

A. That's true.

EXHIBIT 3

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK

4 -----x

5 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION,

6 Plaintiff,

7 -against-

8 05 CV 4559
9 (DRH) (WDW)

10 TOWN OF HUNTINGTON and HUNTINGTON
11 YOUTH BUREAU YOUTH RESEARCH
12 INSTITUTE, INC.,

13 Defendants.

14 -----x

15
16 DEPOSITION OF ANTHONY ZENKUS

17 Wednesday, July 12, 2006

18 New York, New York
19

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23 REPORTED BY:

24
25 Holly Hough

Zenkus 7/12/06

July 12, 2006

9:40 a.m.

Deposition of ANTHONY ZENKUS, taken by

Plaintiff, pursuant to Subpoena, at the offices of

Equal Employment Opportunity Commission, 33

Whitehall Street, New York, New York, before Holly

Hough, a Shorthand Reporter and Notary Public within

and for the State of New York.

Zenkus 7/12/06

1 Zenkus 16

2 know that everything that I brought with me was
3 everything that I needed to bring with me as far as
4 papers. There's a chance they exist, and if I find
5 them, you will have them.

6 Q. Okay, yes. I would like that you provide
7 them to me as soon as you find them, all right?

8 A. Yeah, no problem.

9 Q. I just want to go over your background a
10 bit. When were you born?

11 A. 1964, October 3rd.

12 Q. Do you play in a band?

13 A. Yeah.

14 Q. What's the name of the band?

15 A. Right now I'm in a band called the Murena
16 Project.

17 Q. What kind of music do you perform?

18 A. Pop rock.

19 Q. And do you play an instrument with the
20 band?

21 A. I play keyboards.

22 Q. Did you previously belong to another band?

23 A. Yeah.

24 Q. What is the name of that band?

25 A. Joe Lies.

Zenkus 7/12/06

1 Zenkus 25

2 Now you went from being a Substance Abuse Case
3 Coordinator for the Coalition on Child Abuse &
4 Neglect to working at the Sanctuary Project?

5 A. Yes.

6 Q. How did you go about getting your job at
7 the Sanctuary Project?

8 A. I received a phone call from Karen Haber.
9 I can't remember the date, but I can remember what I
10 was doing was at a fund-raising event. Now it's
11 referred to as --

12 Q. That's fine.

13 A. It was a fund-raising event. And Karen
14 Haber called me to let me know there was a position
15 available. Actually, she let me know there were two
16 positions that they were looking at. I think at the
17 time the Director of Drug and Alcohol, and then the
18 Director of Sanctuary, or maybe the Drug and Alcohol
19 was filled. I wasn't interested in leaving my
20 position at the time where I was. She was
21 encouraging me to take it.

22 Q. And what is Karen Haber's position?

23 A. She is either Director or Executive
24 Director of YDA, East Northport office, CYA, I'm not
25 sure how you want to refer to it, but Youth

Zenkus 7/12/06

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Zenkus

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Directions and Alternatives.

Q. And what did you do after receiving the call from Karen Haber about the opening at the Youth Bureau?

A. I don't recall. I don't believe I put my resume in right away. I think she spoke to me again because I really wasn't in a position to, I wasn't looking for another job and I wasn't sure that I wanted to go back to the Youth Bureau either.

Q. At some point did you then decide to apply for the position at the Sanctuary Project?

A. Yes, I did.

Q. How did you go about applying for the job at the Sanctuary Project?

A. I really don't remember. I guess I submitted a resume and waited to hear. I really don't recall.

Q. You don't recall the process at all?

A. No.

Q. Do you recall whether you interviewed with anyone for the position?

A. Yes.

Q. Who did you interview with?

A. I interviewed with Patsy Hirschhorn.

Zenkus 7/12/06

1 Zenkus 27

2 Q. Do you recall Patsy Hirschhorn's title at
3 the time when she interviewed you?

4 A. No.

5 Q. Did you interview with anyone else other
6 than with Miss Hirschhorn?

7 A. I don't know. I can't recall. I don't
8 believe so. I don't think so.

9 Q. Do you recall who extended you the job
10 offer to work at the Sanctuary Project?

11 A. Patsy Hirschhorn.

12 Q. And when did you accept the offer?

13 A. I don't remember. You mean the date? I'm
14 clarifying your question. Do you want to know what
15 date I accepted?

16 Q. Actually, let me ask a different question.
17 When did you start working at the Sanctuary Project?

18 A. December 9, 2002.

19 Q. And what was your title at the Sanctuary
20 Project?

21 A. Project Director.

22 MS. WONG: I'd like to have this marked as
23 Zenkus Exhibit 3 and shown to the witness.

24 (Zenkus Exhibit 3, document Bates stamped
25 6015, marked for identification, as of this

Zenkus 7/12/06

1 Zenkus 28

2 date.)

3 MS. WONG: For the record, what has been
4 marked as Zenkus Exhibit Number 3 is a one-page
5 but two-sided document Bates labeled 6015
6 through 6016.

7 Q. Mr. Zenkus, can you identify this document
8 as your employment application for the Sanctuary
9 Project Director position?

10 MR. CLARK: Just for the record, it's also
11 a document that is covered by the
12 confidentiality agreement in place in the case.

13 MS. WONG: That's fine, but the
14 confidentiality agreement states that it can be
15 shown to the recipient.

16 MR. CLARK: I understand. I just want it
17 noted for the record so whoever reads the
18 transcript knows that any testimony regarding
19 it is covered by the agreement.

20 Q. Do you need the question read back to you?

21 A. If the question is do I recognize it as my
22 employment application, yes, I recognize it as that.

23 Q. If you turn it over to the second side of
24 this page, is that your signature at the bottom?

25 A. Yes.

1 Zenkus 29

2 Q. And it is dated November 20, 2002,
3 correct?

4 A. Yes.

5 Q. You can set this document aside for the
6 time being.

7 When you started working at the Sanctuary
8 Project as a Director, you were 38 years old at the
9 time; is that correct?

10 A. 2002, yes, yeah.

11 Q. Is that a yes?

12 A. Yeah.

13 Q. What were your responsibilities as the
14 Director of the Sanctuary Project?

15 A. Overseeing and management of the grants,
16 supervision of full-time and part-time staff, at
17 times some minor grant writing, agency PR, the daily
18 functioning of the agency, I'm sorry, of the
19 project, whatever else they asked me to do.

20 Q. When you say whatever else they asked me
21 to do, who is they?

22 A. My supervisors, my supervisor, Patsy
23 Hirschhorn, I'm sorry.

24 Q. Other than Patsy Hirschhorn, did you have
25 any other supervisors?

Zenkus 7/12/06

Zenkus

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A. As I understood it, all of the administrators on what we call the second floor of the Youth Bureau, they were all superiors to any project director, Maria Georgiou was over Roxanne, I don't remember her last name -- Sands? I believe Janine Salgado, and Patsy Hirschhorn. Patsy Hirschhorn had oversight of Sanctuary, and I believe Excel.

Q. Are you saying that you also reported to Maria Georgiou, Roxanne, and Janine Salgado?

A. I really depends. I did not report to them regularly in a supervisory relationship. I did meet with Patsy Hirschhorn on a regular basis for supervision and for, she was the person that was my direct boss.

However, if anything ever came up that Maria, Roxanne or Janine needed to speak to me about, they could call and talk to me, since they were administrators at a higher level than I was.

Q. And Maria Georgiou was an administrator at a higher level than Patsy Herschhorn?

A. Yes.

Q. Was Roxanne Sands an administrator at a higher level than Patsy Hirschhorn?

1 Zenkus 31

2 A. My understanding is that Roxanne, Janine
3 and Patsy were all even. It's never been explained
4 to me. That's how it appeared to me.

5 Q. What was Roxanne Sands' position in 2002
6 when you first joined the Sanctuary Project?

7 A. They were all known as Youth Services
8 Coordinators, but I can tell you that that's
9 probably not their exact titles. They're town
10 employees. I don't know what her title was. I did
11 not report directly to her, I reported directly to
12 Patsy.

13 Q. When you say they are town employees, can
14 you please be clear who you are referring to.

15 A. Yes. Janine Salgado, Patsy Hirschhorn,
16 Roxanne Sands are employees, as I understood it, of
17 the town of Huntington.

18 Q. And you say that they are all Youth
19 Services Coordinators of sorts; who are you
20 referring to when you say they?

21 A. Janine Salgado, Patsy Hirschhorn, Roxanne
22 Sands.

23 Q. And when you say that Janine Salgado,
24 Patsy Hirschhorn and Roxanne Sands are town
25 employees, what do you mean by that?

Zenkus 7/12/06

1 Zenkus 32

2 A. They work for the town of Huntington.

3 Q. Are they also considered Youth Bureau
4 employees?

5 MR. CLARK: Object to the form. You can
6 answer to the extent you have an answer.

7 A. I think you'd have to ask them. I
8 actually don't understand the entire structure the
9 way it's set up.

10 Q. But your understanding is that they work
11 for the town?

12 A. That's my understanding.

13 Q. Okay. And where did you get this
14 understanding from?

15 A. I don't know. It's just something I knew.
16 Everyone, everyone at the Youth Bureau knew that the
17 people that were in administration were, actually, I
18 don't know. They made the assumption that you got a
19 town job, you were paid better, you were in a union
20 and the hours might be nicer. So that's kind of how
21 I saw it.

22 Q. In terms of however you knew that Patsy
23 Hirschhorn, Janine Salgado and Roxanne Sands are
24 town employees, do you recall how you learned of
25 that?

Zenkus 7/12/06

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Zenkus 33

A. I think, I can't say always, but I think I have known for quite some time that the people in those positions were in a union and worked for the town.

Q. What is the basis of that information; do you know?

A. No.

Q. Somehow you had that information; you don't recall where you got it from, right?

A. My best response is that it would be common knowledge for people, my belief is that it was common knowledge for people that worked especially for the project that the people downstairs, as we referred to them as they worked for the town.

Q. And these individuals who worked for the town, Janine Salgado, Roxanne Sands and Patsy Hirschhorn, did they run the Youth Bureau?

A. Define worked.

MR. CLARK: Object to the form.

A. I'm confused about your question.

Q. Did they manage the Youth Bureau?

A. Yes. They were responsible, each was responsible for different aspects of the Youth

1 Zenkus 34
2 Bureau and the Youth Development Research Institute,
3 which was a 501C3 that was restructured, as I
4 remember, to get grants that municipalities could
5 not get. It's referred to as HYBYDRI, I believe, at
6 least it was when I was there.

7 Q. Are you saying that Huntington Youth
8 Bureau Youth Research Development Institute is under
9 Youth Bureau?

10 MR. CLARK: Object to the form.

11 THE WITNESS: What do I do?

12 MR. CLARK: You can answer.

13 A. I don't recall. I know the structure. I
14 guess so, yeah. They hired me and I worked for a
15 project. The project was Sanctuary, part of Youth
16 Bureau. Yes, they oversaw the Youth Bureau.
17 Everyone called it the Youth Bureau, no matter where
18 the funding came from, they were the name that rang,
19 the Youth Bureau.

20 Q. You're saying they're the people; who are
21 you referring to when you say they?

22 A. Maria Georgiou, Patsy Hirschhorn, Roxanne
23 Sands, Janine Salgado, were responsible for the
24 oversight of all projects, as I understand it, under
25 the auspices of the Youth Bureau system, including

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the project CYAs, et cetera.

Q. And are you saying that the Huntington Youth Bureau Youth Research Development Institute is under Huntington Youth Bureau?

A. Yes.

Q. And what was Roxanne Sand's function?

A. Training and drug and alcohol, I believe, I believe.

Q. When you say training, what do you mean by that?

A. Staff training, professional development it might be called, or staff development. I don't know her job title or her job description. That's from my recollection of what she did when I was there, she being Roxanne Sands.

Q. Did you ever report to Roxanne Sands?

A. Not officially. I interacted with her.

Q. What were your interactions with Miss Sands?

A. I was there for two years. I'm not sure what you want me to...

Q. What were your professional interactions with her?

A. If I had a question or if she had a

1 Zenkus 36

2 question, we'd speak. She was not my direct
3 supervisor, you know. I didn't report to her on a
4 weekly basis about the progress of my project.

5 Q. You say Miss Sands provided staff
6 training; what kind of staff training did she
7 provide?

8 A. Typical staff-development training for
9 workers in the Youth Bureau system on different
10 skills and different information, educational things
11 that would pertain to people in the
12 youth-and-family-services field.

13 Q. Did you attend any of her trainings?

14 A. I don't believe so. As a director, as a
15 project director, no.

16 Q. Who would attend the staff trainings that
17 she would organize?

18 A. Anyone that wanted to go, I guess, staff,
19 more likely than not line-worker staff. We consider
20 the people that do the direct service not
21 administrators.

22 Q. Did you consider yourself an administrator
23 in your role as Project Director of the Sanctuary
24 Project?

25 A. I considered myself as an administrator,

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yet my job description, if I remember it, there were some direct duties that I did. I did some outreach as well, and I was an administrator, not exclusive.

Q. Just getting back to Miss Sands' training for staff, can you tell me some of the subject areas that she would provide training on?

A. I honestly don't recall.

Q. Do you recall what Janine Salgado's role was with the Youth Bureau?

A. My best recollection was that Janine Salgado oversaw the CYAs, of which Youth Directions and Alternatives is a project, and human resources, I don't know that that was her title.

Q. Any other functions that she had?

A. I'm sure, but I don't know.

Q. When you say that Miss Salgado had human-resources functions, what do you mean by that?

A. I believe that she had, you know, that there was some involvement in HR policy making and through her position.

Q. Is Miss Salgado someone that employees were to go to if they had any issues with their employment?

A. I don't remember. I guess. I don't

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1 Zenkus 38

2 remember.

3 Q. Going back to your responsibilities as an
4 Executive Director at Sanctuary Project, you
5 testified that -- can I finish my question -- you
6 testified that you oversaw, managed grants, you
7 supervised staff, you played a minor role in grant
8 writing, you worked on agency PR, worked on the
9 daily functioning of the project and you did
10 anything else that Patsy Hirschhorn, your
11 supervisor, asked you to do.

12 A. Uh-huh.

13 Q. Are there any other responsibilities other
14 than those that you had as an Executive Director at
15 Sanctuary Project from 2002 until you left your
16 employment there?

17 A. I think that covers it. There may have
18 been in my job description, but I have not looked at
19 that in years.

20 Q. In terms of the responsibilities you
21 yourself carried out though, is that a complete list
22 of all the responsibilities you carried out as a
23 Project Director from December 9, 2002 until the
24 time you left?

25 A. I did many things, met with the advisory

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board, interacted with school officials, I guess that's community and agency PR, outreach, and some interventions, depending on what was going on.

Q. What do you mean by interventions?

A. If a counselor was talking to a family and the parent had a problem, they may come to me, to me, a Project Director, if a staff person is out. I got to fill in the gaps.

So there were times when I took over somebody's parent group because they weren't around, basically, sometimes you empty the garbage, you do what you need to do. So there are probably many things I did that I don't remember at this point.

Q. At this point sitting here today, have you now told me all your responsibilities as a Project Director from December 9, 2002 until you left your employment there?

A. I don't know. I don't know. I don't know that I've told you everything. You think I ran the agency, so there may have been things I did that I many not be remembering. Whatever was the daily, I guess, if I say the daily operations of the agency, that would cover anything, so I think that's more accurate. I just want to be accurate.

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Q. I want you to take all the time you need.
I need a comprehensive list of all your
responsibilities as a Project Director from
December 9, 2002 until you left. So if there are
more responsibilities than you haven't testified to,
please take the time to think about it and tell me
now.

A. Is it helpful to go into specifics of what
staff supervision consisted of or is it enough for
me to say staff supervision?

Q. You can tell me what staff supervision
consisted of.

A. Do you need to know?

Q. I will be asking you for the details about
that, but in terms of the responsibilities, you have
covered everything?

A. I was responsible for the daily operations
of the agency, including staff supervision, agency
outreach, management of grants and anything that was
required to implement those things.

Q. Have you now told me all your
responsibilities as a Project Director?

A. I believe that covers it.

Q. You worked as a Project Director for the

1 Zenkus 41
2 Sanctuary Project from December 9, 2002 until when?

3 A. November 2004? November 2004. I believe
4 I was considered an employee until then, although I
5 believe my last day was in October of 2004. I'm
6 trying to remember the year. If this is 2006 and I
7 was laid off a year and a half ago, that would be
8 2004.

9 Q. When you supervised counselors, did you
10 review the counselors' case files?

11 A. On occasion.

12 Q. Did you review the counselors' case files
13 prior to writing up reports to the funding sources?

14 A. Whenever necessary.

15 Q. When would it be necessary?

16 A. I actually don't remember the specifics
17 that were required in my reporting to funders. In
18 other words, I don't remember what I needed to
19 check. It may not have been case files, it might
20 have been just numbers, you know, the books that
21 tallied our numbers and sometimes case files. I
22 don't know that case files were required to review
23 before reporting to funders, if that's what you
24 meant.

25 Q. When you say you reviewed tallies of cases

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before reporting to funders, what do you mean?

A. Staff would keep tallies of numbers that they, clients have cases that they opened that they did work with, and that's how I would be able to report who we were seeing.

Q. Where were the tallies kept?

A. Well, notebooks, marble notebooks.

Q. And each counselor had a marble notebook where they logged the clients they saw; is that correct?

A. I think so. I don't remember if they were all separate, but yeah, they were notebooks that had the numbers in them. That's all I remember.

Q. Prior to putting together a report for the funders, you would review the marble notebooks to see how many clients each counselor had worked with; is that correct?

A. That's one of the things, yeah.

Q. What other documents would you review in putting together your funding reports? Take all the time you need.

A. I don't remember. I feel like it must have been more. It never seemed that simple. But I really don't remember.

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2 Q. If you remember later on, you can let me
3 know.

4 A. Okay, yeah.

5 Q. As the Project Director of the Sanctuary
6 Project, you would need to know the funding
7 requirements for each counselor position; is that
8 fair to say?

9 A. It is fair to say.

10 Q. Why did you choose to work at the
11 Sanctuary Project?

12 A. Well, two reasons. One, the word
13 "Director" was in front of my name, and I think it
14 would look good on a resume in the field of social
15 work to have administrative experience, additional
16 experience. And the bottom line is, it was
17 substantially more money than I was making with my
18 other job, somewhere about six or seven thousand
19 more-ish, that was probably my prime motivation.

20 Q. And why did you leave the Sanctuary
21 Project in November '04?

22 A. Our grant was pulled. Well, that's, can I
23 say strike that? We were not awarded a grant.
24 Grants are for three years. There's different
25 grants. I was, if I remember directly, on the

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1 Zenkus 44

2 federal grants that is a three-year grant. It
3 expired every three years.

4 The grant has to be rewritten and
5 resubmitted, and it was rejected. So there was no
6 money. I was laid off because they could not afford
7 to keep me.

8 Q. Was any other position at Sanctuary
9 Project affected by the loss of this funding?

10 A. Yes.

11 Q. Which positions other than your own?

12 A. I don't remember who was funded by the
13 state and who was funded by the feds. And one
14 position was half and half. If you have
15 information, it would probably refresh me, but I
16 don't remember which ones were.

17 You know what? I don't remember which
18 ones. I know it was me. The program was gutted. I
19 think it was about a 180 to 190,000 loss, that was
20 our main source of funding. The way grants go, one
21 position is fully funded, another position is partly
22 funded. A part-time secretary is fully funded.

23 It's just the formula was drawn up before
24 I got there, but yeah, there was other positions.
25 The secretary had to leave. There was no money. I

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2 think only the state funds, anybody working with
3 state funds could stay.

4 Q. To be clear, the position that you held as
5 the Project Director was funded by federal grant; is
6 that what you said?

7 A. As I understand it, to my best
8 recollection, I was fully covered by that federal
9 grant. And when that ended, I was told I no longer
10 could receive paychecks, but I was welcome to stay
11 if I wanted.

12 Q. You said they said you were welcome to
13 stay if you wanted; in what capacity?

14 A. I was offered the opportunity to apply for
15 another position making substantially less money.
16 And it might have been part time and it was a
17 direct-service thing, but nothing I could afford to
18 take.

19 Q. Do you recall what position that was?

20 A. No.

21 Q. Do you recall which project that was with?

22 A. I think it might have been Sanctuary. It
23 wasn't an offer either. It was if there's an
24 opening, you can apply for it, that kind of thing,
25 but not a...

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2 Q. Were you offered any other positions?

3 A. No, I was not.

4 Q. Were you ever told that if the federal
5 funding was regained that you could return as a
6 director of the project?

7 A. I don't recall ever being told that.

8 Q. And who had the conversation with you with
9 regards to the termination of your employment at the
10 Sanctuary Project?

11 A. Basically I received a phone call saying
12 from the, I'm not being facetious, I knew when I got
13 the phone call from the federal contract manager
14 that when that grant was pulled, I was done. I
15 mean, unless money could be raised or found through
16 the town, I was out. I knew that, I just didn't
17 know when.

18 So the conversation on when I was leaving
19 and how much money was left was with Patsy
20 Hirschhorn, but I believe I knew before she did
21 because I received that phone call. I was the first
22 to know that I was going to go.

23 Q. Who had the conversation with you that if
24 there was an opening, you can apply for it?

25 A. Patsy Hirschhorn mentioned to me that

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2 there may be a direct-service position that I might
3 be interested in, if it meant the difference between
4 that and not working, but I couldn't afford to take
5 it.

6 Q. In all the employment that you have had,
7 have you ever been asked to resign from any job?

8 A. Yes.

9 Q. Yes?

10 A. Yes.

11 Q. Which job?

12 A. Youth Directions and Alternatives.

13 Q. Which position?

14 A. Street Outreach Worker.

15 Q. When were you asked to resign?

16 A. I guess the last month I was there.

17 Q. Why were you asked to resign?

18 A. My resume did not accurately reflect my
19 education.

20 Q. When you say your resume did not
21 accurately reflect your education, was the resume
22 submitted as part of your application for the
23 street-worker position?

24 A. Yes.

25 Q. And what was misrepresented?

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2 A. It indicated that I had a bachelor's in
3 social welfare before I was awarded the bachelor's.
4 I never finished the bachelor's during my employment
5 there because it wasn't required for the position.

6 And I didn't tell them, I guess, until
7 later that I still needed to get those papers done.
8 And the board asked me to leave.

9 Q. Did you finish your answer?

10 A. Yes.

11 Q. Did you have to take additional courses to
12 get your bachelor's?

13 A. I think my recollection was I needed to
14 finish my incompletes. I had papers. I took the
15 course work, didn't finish the papers and needed to
16 finish the papers. I procrastinated for quite some
17 time, for years.

18 Q. And who asked you to resign from the
19 street-outreach position at Youth Directions and
20 Alternatives?

21 A. Who physically, verbally asked me?

22 Q. Yes.

23 A. Cynthia Scott.

24 Q. What was her position?

25 A. Director or Executive Director, I'm not

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2 sure how they referred to her. She was the top
3 person at the YDA.

4 Q. Was the basis for her asking you to leave
5 your position as Street Outreach Worker that you
6 misrepresented the qualifications in your
7 application?

8 A. What she told me was that she brought the
9 information to the board of directors about me not
10 having the bachelor's at the time that I applied for
11 the position, with the intent of putting me on a
12 timetable to finish my papers.

13 I don't remember what the timetable was,
14 but a month, 60 days I had to finish, whatever it
15 was, I don't recall. And the board decided that
16 they no longer wanted to employ me.

17 MS. WONG: I'd like to have this document
18 marked as Zenkus Exhibit Number 4 and shown to
19 the witness.

20 (Zenkus Exhibit 4, document Bates stamped
21 6034 through 6037, marked for identification,
22 as of this date.)

23 MS. WONG: For the record, what has been
24 marked as Zenkus Exhibit Number 4 is a document
25 Bates labeled 6034 through 6037.

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2 MR. CLARK: Also for the record, it is a
3 document that is covered by the confidentiality
4 agreement.

5 Q. Mr. Zenkus, can you identify this document
6 as your employment application for the Street
7 Outreach Worker position at Youth Directions and
8 Alternatives?

9 A. Street worker, yes.

10 Q. Is that your handwriting?

11 A. Yes.

12 Q. Under education, specifically with regard
13 to college education, you noted Adelphi University
14 from 1982 to May 1988, correct?

15 A. Yes.

16 Q. And you noted that you graduated in
17 May 1988 with a bachelor's in social work, correct,
18 or BSW in social work?

19 A. Yes.

20 Q. Now you in fact did not graduate until
21 1992 from Adelphi University, correct?

22 A. I believe it was '92, correct.

23 Q. You can set this document aside for now.
24 When did you work at Harborfield High School?

25 A. I worked for the YDA, so yes, my work took

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2 me there.

3 Q. And when you worked with the Youth
4 Directions and Alternatives providing services at
5 the Harborfield High School, did you interact with
6 students?

7 A. Yes.

8 Q. Did you ever tell any students that you
9 were dying or had an illness?

10 A. That I had an illness, yes.

11 Q. Did you in fact have an illness at that
12 point?

13 A. Yes, I believe so.

14 Q. Why did you tell the students that you had
15 an illness?

16 A. I believe I was anxious.

17 Q. What was your role at that point?

18 A. Youth worker.

19 Q. What was your role with the students as a
20 youth worker?

21 A. Counselor, outreach.

22 Q. Were you providing counseling services to
23 the students at the time?

24 A. Outreach, education, counseling, outreach
25 for programs.

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Q. What specific kind of outreach were you providing to the students?

A. Outreach for programs going on at the Youth Bureau and the YDA, drop in, whatever programs.

Q. Was it an informational relationship that you had with the students where you provided them information about the various programs available at the Youth Bureau?

A. Yes.

Q. And you say you counseled the students; in what capacity did you counsel them?

A. Informal counseling, if they had a problem or a question, they could come to me, referrals.

MS. WONG: I'd like to have this document marked as Zenkus Exhibit 5 and shown to the witness.

(Zenkus Exhibit 5, document Bates stamped 6000, marked for identification, as of this date.)

MS. WONG: Before you show it to the witness, I want to ask Mr. Zenkus a question.

Q. During your employment at the Sanctuary Project, were you ever reprimanded?

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A. Yes.

Q. By whom?

A. Maria Gerogiou.

Q. For what reason?

A. Two occasions that I remember, the first being that there was no heat in the agency. I had a friend that worked for the town board. The staff and I were very cold. It was probably about 60 degrees or 58 degrees inside. It was not at all a workable and a pleasant atmosphere to work in.

And I had let my supervisor know that everyone was freezing on the third floor. And she said she would tell the appropriate people. And nothing happened. So I called my friend at the town and said, we're freezing. And she had somebody from town services turn the heat on.

And Maria called me into her office and yelled at me for going over her head and said I was never to do that again.

Q. Do you recall when that incident occurred?

A. No.

Q. Were you written up?

A. I was not written up for that. She did not give me anything. If she took notes on that, I

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don't know, but I don't believe I was written up for that.

Q. You said there was a second time you were reprimanded by Miss Georgiou; what was the second time about?

A. It was after I found out that I was being laid off, there was a meeting with the advisory board -- no, strike that -- a meeting with the Youth Bureau board, I'm not sure what it was called, the board of the Youth Bureau.

And my advisory board director, the advisory border president for Sanctuary was also the president of the board for the Youth Bureau, which was, I don't believe, an advisory board, I believe it was a board of, oh, I don't know, the board of the Youth Bureau and the board of Sanctuary have the same president.

I was scheduled to make an appearance to talk about Sanctuary, if I remember correctly. I don't know what this was about. It was something to do with the board. And she was upset that I was going to a meeting. She thought I initiated going to this meeting.

And she came up to my office. And I

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2 believe she said that I spoke with her in an
3 insubordinate way. And she was very unhappy. She,
4 Maria Georgiou, was unhappy with my demeanor and my
5 actions. I don't recall the specifics. I know she
6 was very unhappy. She wrote me up for that.

7 Q. How did you speak to her?

8 A. I believe I spoke with her, I don't know,
9 I may have been angry.

10 Q. What was the substance of the
11 conversation, if you recall?

12 A. Maria was upset that I was going to a
13 board meeting. It seemed I did not plan on going to
14 that board meeting. I was waiting to hear if I
15 needed to go to the board meeting, which meant that
16 my advisory board president or Maria or somebody
17 would tell me you need to go to this meeting.

18 And Maria said, I don't remember what
19 Maria said, paraphrasing, Maria was under the
20 impression that I was urging to board members
21 outside of work and that I planned to go to this
22 meeting.

23 And my response was if I was planning to
24 go to the meeting, I would be dressed differently, I
25 would be wearing a tie. And I was dressing very

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2 casually that day, for me. That was my response.

3 Q. Is that the sum total of your interactions
4 with her during the meeting where she found you
5 acting in an insubordinate fashion?

6 A. That's all I remember.

7 Q. Did you go around her to talk to some
8 board members?

9 A. No, because I did not need to speak to her
10 in order to speak with a board member. I could
11 speak with any of the advisory-board members that I
12 wanted to. And it was a small board. There was
13 only a few people.

14 Q. So did you talk to some of the board
15 members?

16 A. Yeah, I talked to them regularly.

17 Q. I'd like to show you what has been marked
18 as Zenkus Exhibit Number 5. For the record, it is a
19 one-page document Bates labeled 6000 with a
20 confidential stamp in the upper right-hand corner.

21 Can you identify this document as a memo
22 notice from Maria Georgiou with regard to the
23 insubordinate incident that you testified to?

24 A. Yes.

25 Q. Does this document refresh your

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complaint of discrimination.

Q. Did you receive any complaint that you believed was about employment discrimination?

A. Not about the complaint of discrimination that I received, no.

Q. Are you aware of any complaint against the Youth Bureau related to employment discrimination?

A. This particular case I am aware of. That is the only one I'm aware of.

Q. When did you become aware that Miss Schmidt believed that she was being discriminated against; were you still working at Sanctuary Project?

A. Yeah, yes.

Q. When did you first become aware that Miss Schmidt complained of discrimination?

A. I don't remember. After her termination I remember a -- can I jump back for a second? I'm just concerned that my testimony is consistent with what you need to know.

When you asked if I received a complaint of discrimination, I took that to mean that someone gave to me, someone complained to me that they were complaining against the Youth Bureau. The Youth

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Bureau did let me know and did share with me documents relating to a complaint that Miss Schmidt filed through a law firm, if I remember correctly, out of state. I don't know if it was a legal letter. I'm not aware exactly of what it meant, but that is my recollection.

There was a letter that Miss Schmidt wrote to Maria Georgiou, my recollection of the month and the year is probably not accurate, I believe it was somewhere around April. And it involved a disagreement between Miss Schmidt and I on whether street outreach could be performed, should be performed alone.

I believed in that letter that Miss Schmidt referred to being treated differently than other staff. I will tell you, I know that in one of these memos or letters she referred to it. I'm not exactly sure which one. I believe it was the one regarding her interpretation of whether or not street outreach could be done or should be done alone. And my directive was that it should be or that it was okay. So there was a disagreement.

Well, I'm sorry, I'm going off, stuff you didn't ask. So I remember her saying somewhere in

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2 the letter, and I believe the letter wasn't to me, I
3 believe it was to Maria Georgiou, that she was being
4 treated differently or felt that she was being
5 treated differently than other staff.

6 Q. This letter that you are referring to that
7 Miss Schmidt had written to Miss Georgiou you say
8 was in around April; which year?

9 A. 2003, I believe, that's my guess, my best
10 estimate, I'm sorry.

11 Q. It was during the time when Miss Schmidt
12 was still employed, correct, that she would have
13 written the letter to Miss Georgiou?

14 A. Yes.

15 Q. When did you first become aware of this
16 letter of April 2003 that Miss Schmidt wrote to
17 Miss Georgiou about being treated differently than
18 other staff from yourself?

19 A. I don't remember, at some point after, I
20 really don't remember when.

21 Q. Do you recall whether it was soon after
22 the letter was given to Miss Georgiou that you were
23 informed of such a letter?

24 MR. CLARK: Object to the form.

25 A. I don't remember when I was aware of it.

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MS. WONG: Can you read it back.

(Pending question was read.)

A. I don't remember any actions being taken
as a result of that.

Q. Did Miss Georgiou talk to you about this
letter that Miss Schmidt had written to her in
around April 2003?

A. I don't recall speaking to Miss Georgiou
about the letter.

Q. And you say that you assumed, but you
don't recall speaking to Miss Hirschhorn about this
letter either, right?

A. No, I accepted -- I assumed
Miss Hirschhorn was the person that gave me the
letter. I definitely spoke with Miss Hirschhorn
about the letter.

Q. So now you recall getting this letter from
Miss Hirschhorn?

A. What I'm saying, no, I don't know who gave
me the letter. I remember conversing with Miss
Hirschhorn in supervision about it. My assumption
was she would be the person that gave it to me. I
don't remember. I remember speaking to her about it
in supervision.

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And then she was written up for not doing it, the dispute being around whether or not it was okay for a staff person to do outreach alone, is that something safe or not safe. I thought it was. Her interpretation was that it was not. She did not feel that it was okay for her to do. A memorandum was written up for that. That's my recollection.

Something about Marilu Kalmbach had said at one point, I don't know if this is what Miss Schmidt had said, that people did not have to do an outreach if they felt unsafe. I remember there being a conversation about that, not exactly.

So when Miss Hirschhorn and I spoke about it, it had to do with the content of what went on, which was that I asked this employee to do something. The employee did not do it in the time that I asked her to do it.

The conversation with Miss Hirschhorn, I remember Miss Hirschhorn being -- I can't speak to her emotions -- she appeared to me to be unhappy with the letter and somewhat dismissive of it. As far as whether or not it meant anything in the sense of it's not going to change or whether or not this memorandum of warning stood in Miss Schmidt's file,

Zenkus 7/12/06

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Zenkus 77

A. I object to the word against. I don't mean to object. I don't mean to be a pain.

Q. Let me ask you what you mean then when you're referring to the memo not being removed, what memo are you talking about?

A. My understanding, my recollection is that a memorandum of warning was placed in Miss Schmidt's personnel file saying that she did not perform outreach as directed.

My understanding also is that Miss Schmidt petitioned that memorandum of warning offering an explanation as to why the outreach wasn't performed on that particular day and what her understanding was of street outreach.

If I remember correctly, it's been awhile since I saw that letter, that she also wanted to have, this is a guess, that's all I can say, it's a shady memory, that she wanted to have discussion further on what street outreach was.

So that it wasn't, it was in addition to being a petition to remove the memorandum of warning. I believe there was a call for a discussion of why she made the choice that she made.

Q. You earlier testified that the letter that

1 Zenkus 78

2 Miss Schmidt wrote to Miss Georgiou in or around
3 2003 also concerned her statement that she was being
4 treated differently from other counselors, correct?

5 A. Yes.

6 Q. Okay. Now did this issue that
7 Miss Schmidt raised about being treated differently
8 from other counselors ever get addressed between
9 yourself and Miss Hirschhorn?

10 A. Yes.

11 Q. What conversations if any did you have
12 about this topic?

13 A. I shared my interpretation that I
14 definitely, absolutely treat Miss Schmidt
15 differently based on performance in the workplace
16 and my perception of what interventions needed to
17 happen with a particular staff person that I didn't
18 agree with.

19 If this is the letter, again, I'd have to
20 remind you that I don't have it in front of me, if
21 this is the letter that referred to being treated
22 differently than, I believe, younger staff, I don't
23 know if this is the one that used the word younger.

24 But now I'm remembering, there was one I
25 believe that said that before, before the lawsuit,

Zenkus 7/12/06

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Zenkus

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some meeting of the minds.

My question to you is, did you consider the letter that Miss Schmidt wrote to Miss Georgiou as discussing her, Miss Schmidt's, complaint that she was treated differently than younger counselors?

A. My problem with the question is the word complaint. In this letter, as best as I can recall, Miss Schmidt discussed a few things, including that she felt she was treated different than other younger counselors.

Please understand, if this is the letter I'm remembering, if this is the particular letter where she used that phrase, for some reason that stands out in my mind, I may be paraphrasing, then I don't know that I viewed it as a complaint.

There were things in that letter, there were many things in that letter. It addressed many issues. This seemed to be one that was mentioned, that she was not believing that she was being fairly treated by me.

Q. You don't consider that a complaint, that she's not being treated fairly as compared to younger counselors?

A. I don't know that it's a complaint.

Zenkus 7/12/06

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Zenkus 90

in November 2004; can you tell me who were the
counselors who worked during that time period?

A. Janie Schmidt, Liz Graeve, Jennifer
Grosser, and a part-time parent educator,
technically not a counselor.

Q. Just focusing on counselors.

A. Yes.

Q. And if you know, can you tell me the ages
of each of the counselors who worked at the
Sanctuary Project during the time that you were
there.

A. At the time?

Q. Yes.

A. Liz Graeve was 25ish, I can't give you
specifics, I don't remember, somewhere around there,
and recently out of grad school, so that would be
right.

I don't know that Jennifer was 30, she may
have been 27, 28, 29, 30 upper 20s. Janie I'm not
sure exactly, I would guess over 50, 50ish, I'm
pretty sure. I don't know the exact number, but
ballpark, that was my remembrance.

Q. At some point during your employment as a
Project Director at the Sanctuary Project from

1 Zenkus 91

2 December 2002 to November 2004, there were some
3 changes in counselors, correct?

4 A. I don't know what you mean by changes in
5 counselors.

6 Q. Did some counselors leave and some new
7 ones join the staff?

8 A. Oh, yes.

9 Q. Can you tell me when the changes occurred?

10 A. Dates again?

11 Q. During the time that you were Executive
12 Director from December 2002 to November 2004, I'm
13 asking you all the counselors who worked there.

14 A. Got it.

15 MR. CLARK: Object to the form. It is
16 Project Director.

17 Q. Project Director.

18 A. Right. I don't know what they called me.
19 I believe October, September, October 2003, Janie
20 Schmidt left the position, she left. That was the
21 change. Elizabeth Brown was hired after that, maybe
22 a month or two, maybe two months, might have been
23 December, it was within that time period, yeah.

24 Q. Was Miss Brown the replacement for
25 Miss Schmidt?

Zenkus 7/12/06

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Zenkus

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A. Miss Brown filled the Independent Living Skills Counselor position, yes, she stepped into that program.

Q. How old was Miss Brown when she was hired to be the Independent Living Skills Counselor at the project?

A. I believe in her 20s. I don't know exactly.

Q. Did you hire Miss Brown?

A. I interviewed Miss Brown. As I understand it, I really can't hire anybody. Did the project hire her, yes.

Q. Who hired Miss Brown?

A. What do you mean hired, gave her a letter of hire?

Q. Who extended the offer to Miss Brown?

A. Oh, I extended the offer based on the, you know, direction of my superior, Patsy Hirschhorn.

Q. Did you recommend that Miss Brown be hired?

A. Yeah, I believe I did.

Q. Did Miss Hirschhorn interview Miss Brown?

A. Can we go back to recommend? I was --

Q. What do you mean by recommend?

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Zenkus

111

the counselors in a social setting outside of work?

A. Yes.

Q. With whom?

A. Liz Brown.

Q. What were the social interactions you had with Miss Brown outside of work?

A. What did we do?

Q. Yes.

A. Watched her play volleyball with some friends, sometimes there might have been dinners with other people, maybe going to a bar, or I remember once I was playing an open-mic night and she and her friend came to see us play. So I don't remember how many times specifically or anything but the type of things.

Q. Have you now described all the social interactions that you had with Miss Brown that you had outside of the work setting?

A. Describing the ones I can remember.

Q. Did you have any social interactions with Liz Graeve outside of the work setting?

A. No.

Q. Did you ever invite Miss Grave to watch your band perform?

1 Zenkus 112

2 A. Yes.

3 Q. Did she ever take you up on your
4 invitation?

5 A. I don't remember, that's why I questioned
6 the social interactions, I don't remember her ever
7 coming. I don't think she ever did.

8 Q. Did you ever invite Miss Graeve to go out
9 with you for drinks?

10 A. I think there was a happy hour that I may
11 have invited her to, I don't recall. It's possible.
12 Possible is not a good answer. I don't remember.

13 Q. Do you recall inviting Miss Grave to any
14 other social interaction outside of the work
15 setting?

16 A. No.

17 Q. Did you ever invite Jen Grosser to watch
18 your band perform?

19 A. Yes.

20 Q. Did she ever accept?

21 A. No.

22 Q. About how many times did you invite Jen
23 Grosser to watch your band perform?

24 A. I don't know.

25 Q. About how many times did you invite Liz

Zenkus 7/12/06

1 Zenkus 113

2 Graeve to watch your band perform?

3 A. I don't know.

4 Q. Did you ever invite Jen Grosser to happy
5 hour with you?

6 A. I don't remember.

7 Q. Did you invite Jen Grosser to any other
8 social interactions?

9 A. I don't believe so.

10 Q. Did you ever invite Janie Schmidt to any
11 social events?

12 A. I don't recall any.

13 Q. Did you ever invite Miss Schmidt to listen
14 to your band perform?

15 A. I don't remember.

16 Q. Did you ever invite Miss Schmidt to happy
17 hour?

18 A. I don't recall if I invited her to happy
19 hour. I don't think we had any happy hours. We had
20 a few. I'm just talking to myself, which is
21 probably not okay.

22 Q. All right. Yes, it is very poor.

23 A. No, I do not remember ever inviting her to
24 happy hour. And no, I don't remember inviting her
25 to see the band play.

Zenkus 7/12/06

1 Zenkus 145

2 A. I'm not understanding that question
3 clearly.

4 Q. Okay. Is one counselor position more
5 challenged in terms of getting clients than another
6 counselor position?

7 MR. CLARK: Object to the form.

8 A. I don't know. I don't know how to answer
9 your question.

10 Q. Do you understand my question?

11 A. Not really.

12 Q. Is it more challenging for the Independent
13 Living Skills Counselor versus the Runaway Counselor
14 to get clients?

15 A. I don't know. I don't know.

16 Q. The way that you count the cases is based
17 on what you read off of the model book; is that
18 correct?

19 A. The way that I counted the cases?

20 Q. Right.

21 A. No, that's the marble notebook is the way
22 the counselors record it, I would count from there.

23 Q. So when you had to come up with the total
24 number of clients that were served as required by
25 the funding sources, how did you count the cases?

Zenkus 7/12/06

1 Zenkus 146

2 A. That's the marble notebooks of the number
3 the counselors recorded. And if there is any
4 discrepancy, you also would count the number of
5 cases open and closed.

6 Those case files that are there
7 physically, you want to match them up, make sure
8 that they're the same. Some would have 20 open and
9 five closed, you wrote 25 down. You want to count
10 to make sure those things existed, so I would look
11 at those too at times.

12 Q. Anything else you looked at in deciding
13 how many cases a counselor indeed served each year?

14 A. I don't recall. I don't recall anything
15 else.

16 Q. And how did you determine how many of the
17 cases logged in the marble book were intensive
18 cases?

19 A. The only way to do that would be by
20 looking at the case notes.

21 Q. Looking at the case files themselves?

22 A. And through supervision, through hearing
23 what the counselors say about the clients.

24 Q. Did you ever provide anything in writing
25 to the counselors about what cases should be logged

Zenkus 7/12/06

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Zenkus 159

A. I don't know, actually, I don't know. I don't remember. I'd have to see it. I don't recall what they were.

Q. When you say it didn't change, what do you mean then?

A. I don't remember that it changed.

Q. And in terms of the requirement of the number of clients that needed to be served in 2003 versus the 2002, was there any change?

A. I don't believe so. However, my boss told me we needed to do 62 instead of 45 because we needed to make up for lost ground.

MS. WONG: I'd like to have this document marked as Zenkus Exhibit 10 and shown to the witness.

(Zenkus Exhibit 10, document Bates stamped 1192 through 1194, marked for identification, as of this date.)

MS. WONG: For the record, what has been marked as Zenkus Exhibit Number 10 is a document Bates labeled 1192 through 1195.

Q. Can you identify this document as the Program Annual Report for the Independent Living Skills Counselor position in 2003?

1 Zenkus 160

2 A. Yes.

3 Q. And you completed this report, correct?

4 A. Yes.

5 Q. And your signature is on the first page of
6 this document?

7 A. Yes.

8 Q. And it is dated February 2, 2004, correct?

9 A. Yes.

10 Q. What were the number of youths that were
11 provided intensive case-management services in 2003?

12 A. The number of youth reported to have been
13 provided that service is 28.

14 Q. You say reported?

15 A. I got that from the marble notebook most
16 likely.

17 Q. You would have verified that that is
18 indeed the case?

19 A. Hopefully. I don't know that I did. I
20 should have.

21 Q. And how many youths received Independent
22 Living Skills Training through workshops?

23 A. 147.

24 Q. And again, here, were there any youths
25 under 16 that were served and counted as your 28?

Zenkus 7/12/06

1 Zenkus 161

2 A. No, not according to this.

3 Q. Did Janie Schmidt provide intensive
4 case-management services to all 28 youths in 2003?

5 A. I don't believe that's the case.

6 Q. Do you recall how many of the 28 youths
7 she provided intensive case-management services to,
8 according to your report?

9 A. No. I remember Patsy Hirschhorn going
10 through the cases and telling me it was well below
11 28.

12 Q. I want to direct your attention to the
13 document Bates labeled 1193 at the bottom,
14 second-to-the-last paragraph, where you talked about
15 the number of clients served by the new Independent
16 Living Skills Counselor; that is Miss Brown, right?

17 A. I'm sorry?

18 Q. The new Independent Living Skills
19 Counselor referred to on this document --

20 A. Yes.

21 Q. -- is Miss Brown, correct?

22 A. Correct.

23 Q. And in your report you said Miss Brown
24 served seven clients, correct?

25 A. Yes.

Zenkus 7/12/06

1 Zenkus 162

2 Q. So then Miss Schmidt served 21 clients,
3 correct?

4 A. Out of that 28, yes.

5 Q. Again, directing your attention to the
6 document Bates labeled 1194, you wrote again in the
7 second paragraph, last sentence, "The Independent
8 Living Counselor regularly attends DSS Advisory
9 Board meetings," correct?

10 A. Yes.

11 Q. And again, you describe in the following
12 sentences why it is important for the Independent
13 Living Counselor to attend the DSS Advisory Board
14 meetings, right?

15 A. No, I say these linkages are extremely
16 valuable, and I don't specifically say anything
17 about DSS in the second paragraph.

18 Q. But these linkages referred to attending
19 DSS Advisory Board meetings, right?

20 MR. CLARK: Objection.

21 A. No, it refers to the whole network of
22 activities.

23 Q. Including the DSS Advisory Board meetings,
24 right?

25 A. No, it is not specifically about the DSS

Zenkus 7/12/06

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Zenkus 163

Advisory Board meetings are extremely valuable. It says DSS doesn't make or break the job, that meeting doesn't.

Q. Well, why did you have the Independent Living Counselor regularly attend DSS Advisory Board meetings; what was the importance of that?

A. It had been done -- look, it looks good in the grant, it makes sense. So do a lot of other things. It's not a making or breaking kind of thing and it's not what I referred to in the second paragraph.

Q. You can set this document aside. Do you recall what the funding requirements were for the Family Social Worker position in 2003?

A. No.

Q. And do you recall what the funding requirements were for the Runaway Social Worker position in 2003?

A. No.

Q. In 2003 did the Family Social Worker, Jen Grosser, have a difficult time getting the number of clients that she needed to have?

A. I do recall that being the case.

Q. And you had to meet with her to talk about

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Zenkus 164

her low case numbers, correct?

A. Actually, Patsy Hirschhorn met with her to talk about her low case numbers.

Q. About the need to generate cases?

A. We met with supervisors on a regular basis. That was definitely one of the things that would be discussed with an employee that they need to bring up.

Q. I don't want you to talk hypothetically. Did you have any conversations with Jen Grosser about her low case numbers?

A. Yes. I don't recall specifics.

Q. Do you recall how many conversations?

A. No.

Q. Do you recall also that at one point Jen Grosser requested time off and you were reluctant to give her time off because her numbers were so low?

A. You're refreshing my memory.

Q. Do you recall that?

A. No, I'm not disagreeing with it, no, I just don't recall. It sounds like something I might have done.

MS. WONG: Mark this as Zenkus Exhibit 11, please.

1 Zenkus 165

2 (Zenkus Exhibit 11, document Bates stamped
3 1206 through 1210, marked for identification,
4 as of this date.)

5 MS. WONG: For the record, what has been
6 marked as Zenkus Exhibit 11 is a document Bates
7 labeled 1206 through 1210.

8 Q. Can you identify this document as a
9 Program Annual Report for the Family Social Worker
10 position that you prepared in 2004?

11 A. Yes.

12 Q. That is your signature at the bottom of
13 the first page of this document, correct?

14 A. Correct.

15 Q. And this is the report for the year 2003
16 for the Family Social Worker position, correct?

17 A. Yes.

18 Q. Now is it true that the number of youths
19 that are to receive intensive case-management
20 services is 40?

21 A. Looks that way.

22 Q. And the actual number of youths served in
23 2003 was 35, correct?

24 A. Yes. Well, that is what's written.

25 Q. And 24 of the 35 were younger than 16

Zenkus 7/12/06

1 Zenkus 190

2 Q. Where do you get the 40 from?

3 A. Oh, I'm looking at 16 to 20, that's the
4 number I'm using. You said youth service.

5 Q. You don't know what kind of services the
6 40 received?

7 A. No, not from this.

8 Q. And you know only from this report that it
9 is noted that 31 youth received intensive
10 case-managed services, right?

11 A. Yes.

12 Q. You can't account for what the other nine
13 may or may not have received?

14 A. No, not from that.

15 Q. In any case, you didn't require Elizabeth
16 Brown to do street outreach?

17 A. I don't recall that I did or I didn't. I
18 don't recall her doing it.

19 Q. Earlier you testified that your
20 professional relationship with all the counselors
21 except for Elizabeth Brown was difficult.

22 A. Sometimes difficult, that's what I said.
23 And there were sometimes difficulties with Elizabeth
24 Brown as well.

25 Q. Did you ever go to Janine Salgado and ask

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Zenkus 225

Miss Schmidt say to you that she was waiting to hear back from you in terms of whether she should do street outreach?

A. My recollection of the conclusion of the meeting seems different than hers. I thought she was supposed to do this and didn't do it and she thought she was waiting for me. And you talk about the resistance, because that is what happened.

I don't recall that she said it. I don't recall obviously the specifics of what was said at that meeting. I know what I was thinking. I felt frustrated after that meeting, so obviously I'm not telling you the word-for-word because I don't remember that.

Q. You testified that there was a meeting, there wasn't tension, it was fun, it was pleasant.

A. It wasn't hostile, but I felt frustrated because I was confused as to why things weren't happening the way that I had hoped they would.

Q. At any point did you give her a very clear, specific directive that she had to do street outreach or it would be insubordination?

A. I never used those words, no, I don't believe I did use those words.

1 Zenkus 231

2 162, marked for identification, as of this
3 date.)

4 MS. WONG: For the record, what has been
5 marked as Zenkus Exhibit 28 is a one-page
6 document Bates numbered 162.

7 Q. Is this the evaluation that you completed
8 for Miss Schmidt in March 2003?

9 A. It appears to be.

10 Q. Why did you complete this evaluation?

11 A. I don't know, part of my job duties.

12 Q. Did you ever give this to Miss Schmidt?

13 A. I don't recall.

14 Q. At the bottom it says, "Not given to staff
15 member yet," correct?

16 A. It says that.

17 Q. Do you recall that you didn't give it to
18 Miss Schmidt?

19 A. I don't recall whether it was given to her
20 or not.

21 Q. But this evaluation accurately reflected
22 Miss Schmidt's performance at that time, correct?

23 A. I'm reading through it. That's what I
24 wrote, so I guess at the time that is what I felt
25 was accurate.

Zenkus 7/12/06

1 Zenkus 241

2 right now too to that.

3 Q. Okay.

4 A. And I can't answer that sentence, so I
5 won't.

6 Q. Now in terms of putting together the
7 groups, do you recall the groups that Miss Schmidt
8 put together?

9 A. No.

10 Q. You had a meeting on January 30th with
11 Miss Schmidt regarding your memo of January 29, '03,
12 correct?

13 A. I don't recall those dates.

14 Q. Let me ask it a different way: Do you
15 recall that you gave Miss Schmidt a job-description
16 memo on January 29, 2003?

17 A. It's one that we looked at earlier?

18 Q. Right.

19 A. Then yes.

20 Q. You gave Miss Schmidt such a memo and you
21 did not give any other counselors such a memo at
22 that time, correct?

23 A. Correct.

24 Q. And you learned from Miss Hirschhorn that
25 Miss Schmidt went to her regarding the memo, right?

Zenkus 7/12/06

1 Zenkus 242

2 A. Yes.

3 Q. When did you learn about that from
4 Miss Hirschhorn?

5 A. I don't know.

6 Q. Did you also learn from Miss Hirschhorn
7 that Miss Schmidt felt singled out being the only
8 one to receive such a memo?

9 A. I don't recall hearing that.

10 Q. Did you meet with Miss Schmidt subsequent
11 to learning from Miss Hirschhorn about
12 Miss Schmidt's complaint?

13 A. Yes, I recall meeting with Miss Schmidt
14 about that.

15 Q. Did you in the meeting with Miss Schmidt
16 tell her that she must speak with you before
17 speaking with your supervisor?

18 A. I may have said that.

19 Q. And in the meeting with Miss Schmidt, did
20 Miss Schmidt tell you that her heart was beating
21 fast?

22 A. She said, my heart's going like this.

23 Q. What did she do, a gesture?

24 A. I think she did a gesture with her hand
25 after she stood up, yes.

Zenkus 7/12/06

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Zenkus 243

Q. A gesture with her hand over her heart, like a palpitating gesture? Could you describe the gesture, because a gesture is not being captured on the record right now.

A. I wouldn't say it was a palpitating gesture, hand moving back and forth like a heartbeat, like a heartbeat. My heart was also racing at the time as well.

Q. Did Miss Schmidt say she had to leave your office because her heart was beating too fast?

A. That's not why she initially said she had to leave.

Q. What did Miss Schmidt tell you in terms of her heart beating fast?

A. I have to, I don't know if she said I have to leave the office, but she said I have to get out, after I said stay, sit down, she said, my heart's beating like this, she left.

Q. When she left your office, was she in tears?

A. I don't remember that she was in tears after that point.

Q. Did you understand at some point that she cried after leaving your office?

1 Zenkus 244

2 A. I don't recall. I recall her being upset.

3 I don't recall if she was crying.

4 Q. And what led you to believe that she was

5 upset when she was leaving your office?

6 A. She appeared upset to me.

7 Q. How did she appear that seemed like she

8 was upset; can you describe what you observed that

9 made you believe that she was upset?

10 A. I don't know if there was anything

11 specific that clued me in, except the fact that I

12 observed her being upset. I'm sorry if that is not

13 a good specific answer. She told me, she might have

14 said I'm upset. It just was, oh, just that she was

15 upset.

16 Q. And at some point did you write her up for

17 leaving your office during that meeting?

18 A. What do you mean, write her up, put a

19 memorandum in her file?

20 Q. Did you write anything up?

21 A. Yes.

22 Q. About Miss Schmidt leaving your office?

23 A. Yes.

24 Q. Why did you write up a memorandum about

25 Miss Schmidt leaving your office?

1 Zenkus 254

2 counselors?

3 A. I don't remember, definitely don't
4 remember.

5 Q. When was the only time you gave
6 Miss Schmidt an evaluation?

7 A. Probably September of '03.

8 Q. How close was it to the time when she was
9 terminated did you give her that evaluation?

10 A. Within 30 days I guess, right, it was
11 within the month, right, it was September, so...

12 MS. WONG: I'd like to have this marked as
13 Zenkus Exhibit 30 and shown to the witness.

14 (Zenkus Exhibit 30, document Bates stamped
15 125, marked for identification, as of this
16 date.)

17 MS. WONG: For the record, what has been
18 marked as Zenkus Exhibit 30 is a one-page
19 document Bates labeled 125.

20 Q. Is this the memorandum of warning that you
21 had written to Janie Schmidt regarding street
22 outreach?

23 A. Yes.

24 Q. Now when did you meet? You met with
25 Miss Schmidt on April 15th regarding street

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Zenkus

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unheard?

A. I won't specify to whether there is a basis to somebody's feelings. I disagreed, I think that's fair to say.

Q. At some point Miss Schmidt's employment was terminated; who made the decision to terminate Miss Schmidt's employment?

A. Maria Georgiou and Patsy Hirschhorn.

Q. Did you have any role in the decision to terminate Miss Schmidt's employment?

MR. CLARK: Object to the form.

A. If my role was reporting what went on at Sanctuary in my time there, but I don't know that that had anything to do with her termination. I was not in a position to terminate anybody.

Q. Did you suggest to either Miss Hirschhorn or Miss Georgiou that Miss Schmidt's employment should be terminated?

A. Actually, I don't recall suggesting that. What I do recall is Miss Hirschhorn, somewhere in the spring of '03, suggesting that Miss Schmidt's employment be terminated. And I remember believing, and I don't know that I said it, but I probably, but I'm thinking I did, that I can make this work.

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Zenkus 262

Q. Do you recall why Miss Hirschhorn said in spring of 2003 that Miss Schmidt's employment should be terminated?

A. No. I mean, I believe generally it was just about job performance. I don't know if there was a specific thing.

Q. Tell me all that you can recall of the conversation where you say Miss Hirschhorn had said that Miss Schmidt's employment should be terminated.

A. All I remember is that Miss Hirschhorn was going to speak to Maria Georgiou about that and wanted my opinion. I don't remember what specifically was said. My opinion that I expressed was that I think I can make this work, this being I think things can get better and I think that this is not something we have to do. That was my opinion and it was my hope.

Q. Is that all that you recall of the conversation you had with Miss Hirschhorn?

A. Yes, at this point that's it.

MS. WONG: Excuse me for just one moment.

(Discussion off the record.)

Q. Were you part of the conversations concerning the termination of Miss Schmidt's

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Zenkus

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else, where Miss Schmidt's employment was discussed or the termination of Miss Schmidt's employment was discussed?

A. I believe there were, but I don't recall them.

Q. You never provided Miss Schmidt with any written warnings about her low case numbers, right?

A. I don't believe that was, I remember the one that had the number 62 on it, intensive case management, earlier in the year.

Q. My question is, did you ever provide Miss Schmidt a written warning about her having low case numbers?

A. I don't believe that was a warning, so my answer is, to the best of my recollection, no. I just, I don't believe that was a warning. I think it was a memo, not a warning.

Q. You're saying that you gave Miss Schmidt a memo about low case numbers; is that your testimony?

A. My testimony is that I recall my supervisor, Patsy Hirschhorn, giving me one, and I believe I needed to share that with Miss Schmidt. I don't know if Miss Schmidt also received it. And that is where I'm getting the number 62, you have to

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Zenkus 274

street outreach. Just the quality of it was not, you know.

I heard that people didn't get, there was an incident with something at one of the churches that she was given information, an opportunity to contact, and that I was told did not happen. So that was, that speaks to quality. That is what I can remember right now.

Q. What is the factual basis for your concluding that Miss Schmidt's general work quality was unsatisfactory?

A. Quality or quantity? I can answer quality.

Q. Quantity, quantity excuse me.

A. The two years that I, well, it wasn't two years, the time that she worked for the agency while I was there and the year before, numbers were not met.

Q. And what is the factual basis for your concluding that Miss Schmidt's ability to work with coworkers was good and not excellent?

A. I'm not understanding why you would ask why it was good and not excellent. It was good.

Q. Were there any problems with her ability

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Zenkus

275

to work with her coworkers?

A. Here and there, but mostly it was good.
That's why I wrote good.

Q. What were the problems with her working
with coworkers?

A. Really, the only thing that I saw was when
I was told that she wasn't doing what she needed to
do with the OCFS in the beginning, only one time. I
think her ability to work with coworkers was good.
That's why I wrote good. I don't even know, you
know.

Q. You never verified if indeed it was
Miss Schmidt's fault with regard to working with
Miss Brown in OCFS?

A. But that is not a -- I wrote good.

Q. But you never verified one way or the
other whether it was Miss Schmidt's fault or
Miss Brown's fault regarding the planning?

A. I just wanted the group to --

Q. Please answer my question. Did you verify
who was at fault, if anyone?

A. I don't know how I would have, so no.

Q. What is the factual basis for concluding
that Miss Schmidt's initiative was unsatisfactory?

EXHIBIT 4

1
2 UNITED STATES DISTRICT COURT
3 EASTERN DISTRICT OF NEW YORK
4

-----X
5 EQUAL EMPLOYMENT) Civil Action No.
6 OPPORTUNITY COMMISSION,) 05CV4559 (DRH) (WDW)
7)
8 Plaintiff,)
9 vs.)
10 TOWN OF HUNTINGTON and)
11 HUNTINGTON YOUTH BUREAU)
12 YOUTH RESEARCH)
13 INSTITUTE, INC.,)
14 Defendants.)
-----X

15 DEPOSITION OF MARIA E. GEORGIU

16 New York, New York

17 Friday, July 28, 2006
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24 Reported by:

25 BETH RADABAUGH

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July 28, 2006

10:00 a.m.

DEPOSITION of MARIA E. GEORGIU,
held at the offices of EQUAL EMPLOYMENT
OPPORTUNITY COMMISSION, 33 Whitehall Street,
5th Floor, New York, New York, Pursuant to
Notice and Rule 30(b)(6), before Beth
Radabaugh, a Shorthand Reporter and Notary
Public of the State of New York.

1 Georgiou

2 that I oversaw.

3 Q. And just to be clear, your title as
4 youth services coordinator, it's for which
5 organization?

6 A. The town.

7 Q. And as a youth services coordinator
8 were you in some way affiliated with HYBYDRII?

9 A. I oversaw Pace, which was part of
10 HYBYDRII. My job was to oversee contracts of
11 the institute -- of HYBYDRII.

12 Q. After your position as youth
13 services coordinator, when did you next work
14 for either of the two defendants?

15 A. For the town. February 1st, 2001 I
16 became the executive director of the town's
17 Youth Bureau.

18 Q. And who hired you for the position
19 as executive director?

20 A. The board and Frank Petrone, the
21 supervisor of the town.

22 Q. And is it the board and Frank
23 Petrone that you report as an executive
24 director then?

25 A. I report to the supervisor of the

1 Georgiou

2 A. Yes.

3 Q. Can you describe to me what the
4 anti-discrimination training consisted of?

5 A. It consisted of areas of -- I guess
6 what would be considered sexual, age
7 discrimination. That kind of information was
8 provided and we all got I think some
9 information to take with us.

10 Q. How long did the training last?

11 A. For executive directors it's a full
12 day, or department heads.

13 Q. Can you tell me what your
14 responsibilities are as an executive director?

15 A. Yes. My responsibilities are to
16 oversee the functions of the Town of Huntington
17 Youth Bureau. The Town of Huntington Youth
18 Bureau provides services to at-risk families
19 and youth within the Township of Huntington and
20 we cover between Cold Spring Harbor all the way
21 to Half Hollow Hills and parts of Wheatley
22 Heights.

23 And my other responsibilities are
24 the budgeting and I report to the board. I
25 have a youth board. And I oversee three staff

1 Georgiou

2 members and the two youth project directors and
3 one youth services coordinator.

4 Q. Can you tell me the names of the
5 people you oversee?

6 A. Yes. Patsy Hirschhorn, Roxanne
7 Sands, and Janine Salgado. And I oversee
8 fiscal.

9 Q. What do you mean by --

10 A. The fiscal department. All of the
11 budgeting, all of the monies.

12 Q. Okay. Other than Patsy Hirschhorn,
13 Roxanne Sands, Janine Salgado --

14 A. And the --

15 Q. -- and the fiscal department, do you
16 supervise any other employees?

17 A. No.

18 Q. Was there something else you wanted
19 to add?

20 A. Yes. The grant analyst, Melissa
21 Aukstakalnis.

22 Q. Can you spell that for the court
23 reporter?

24 A. Yes, A-u-k-s-t-a-l-n-i-s.

25 Q. This grant writer also reports to

1 Georgiou

2 purpose.

3 Can you describe to me the purpose
4 of HYBYDRII?

5 A. Yes. HYBYDRII is the not-for-profit
6 arm of the town and its purpose is to provide
7 services to the families and youth within the
8 Township of Huntington through special town-
9 wide projects.

10 Q. And is one of the purposes of
11 HYBYDRII to serve as a subcontract agency of
12 the Town of Huntington?

13 A. It is a subcontract agency, yes.

14 Q. And are some of the projects under
15 HYBYDRII the Sanctuary Project and the EXCEL
16 Project?

17 A. Yes.

18 Q. Do you know who the Board of
19 Directors are for HYBYDRII?

20 A. Yes.

21 Q. Who are they?

22 A. Frank Petrone, John Leo, Kathleen
23 Cannon, Christine Bernacky, Howard Gary, Ron
24 Daniels, and I serve as secretary.

25 Q. Could you tell me the title of each

1 Georgiou

2 executive director, correct?

3 A. I serve as the executive director.

4 Not a separate one, no.

5 Q. And you serve as an executive
6 director given your role as executive director
7 of the Youth Bureau?

8 A. Yes.

9 Q. Okay. You oversee -- in your
10 capacity as executive director of the Youth
11 Bureau, you oversee HYBYDRII, correct?

12 A. Yes.

13 MS. WONG: Okay. I would like to
14 have this marked as Georgiou Exhibit 4 and
15 shown to the witness.

16 (Exhibit Georgiou 4, document
17 entitled HYB Organizational Chart 2004, is
18 marked for identification as of this date.)

19 MS. WONG: For the record, what has
20 been marked as Georgiou Exhibit 4 is a one-
21 page document Bates labeled 26.

22 Q. Can you identify this as the
23 Huntington Youth Bureau Organization Chart for
24 2004?

25 A. Yes.

1 Georgiou

2 the disciplining of any HYBYDRII employees?

3 A. No, she would not.

4 Q. Is Ms. Salgado involved in any way
5 in the evaluation of any program directors?

6 A. No.

7 Q. What is Ms. Salgado's role?

8 A. Ms. Salgado oversees the three
9 regional youth agencies, the contracts and
10 contract management for me as well as the gang
11 prevention program for the town.

12 Q. Does Ms. Salgado have a human
13 resources type of responsibility also for the
14 Youth Bureau?

15 A. No.

16 Q. Is Ms. Salgado involved in any
17 employee relations type role for the
18 Youth Bureau?

19 A. No.

20 Q. The office that HYBYDRII operates
21 out of, is it town space?

22 A. Yes.

23 Q. And the HYBYDRII office is in the
24 same building as the Youth Bureau's office,
25 correct?

1 Georgiou

2 Q. Now, I want to focus now on
3 Janie Schmidt.

4 A. Okay.

5 Q. When did you first meet Ms. Schmidt?

6 A. Probably 1990. I don't know when
7 she started. Maybe we started together. I
8 don't know.

9 Q. And when you say we started
10 together, you're referring to working at the
11 same time for HYBYDRII, right?

12 A. Right.

13 Q. Do you know how you might have met
14 Ms. Schmidt in 1990?

15 A. Probably casually through sitting
16 together at lunch or -- that would have been
17 it. We were all upstairs. You know, you know
18 each other. You talk.

19 Q. Because you all worked in the same
20 building, right?

21 A. Right, right.

22 Q. And she never worked directly for
23 you, right?

24 A. No.

25 Q. You never directly supervised her,

1 Georgiou
2 was giving to him as he was trying to bring the
3 project up, which was a direct order I had
4 given to Patsy when we hired him and that if I
5 took that memo out, it would really, and I
6 rarely take memos out, would really usurp the
7 authority of the direct supervisor. So a memo
8 of warning stands.

9 Q. So you're saying it's a very rare
10 case that a program director's memo of warning
11 would not have stood?

12 A. That's true, but I don't get too
13 many.

14 Q. Now, no one was present during the
15 discussion between Mr. Zenkus and Ms. Schmidt
16 concerning street outreach in April 2003,
17 right?

18 A. As far as I know. I can't answer
19 that. No, I don't know. I don't know what
20 took place upstairs. If there were people
21 around or weren't, I don't know.

22 Q. You don't know where the meeting
23 between Ms. Schmidt and Mr. Zenkus occurred
24 when Mr. Zenkus talked about street outreach in
25 April 2003?